

Remarks

Entrance of this amendment and allowance of all remaining claims are respectfully requested. Claims 1, 2, 6, 10, 11 & 15 remain pending.

Applicants thank Examiner Anya for the time afforded Applicants' undersigned representative on May 15, 2008, regarding the subject matter of Applicants' prior pending claims. During this telephonic interview, Applicants discussed the teachings of the Araujo patent, and the distinguishing features of Applicants' invention. No agreement was reached during the telephonic interview.

By this paper, Applicants incorporate the subject matter of canceled dependent claims 3, 5, 7 & 8 into amended claim 1, and the subject matter of canceled dependent claims 12, 14, 16, & 17 into amended independent claim 10. Additionally, Applicants further qualify the processing and system set out in claims 1 & 10 with reference to FIGS. 9 & 10 of the application and the supporting discussion thereof at paragraphs [0037] & [0038]. Thus, no new matter is added to the application by any amendment presented.

As amended, independent claims 1 & 10 are believed to be in condition for allowance for the reasons set forth below.

Initially, independent claims 1 & 10 are amended to address the 35 U.S.C. §112, second paragraph, rejection stated in the Office Action of April 18, 2008. Based on these amendments, withdrawal of the 35 U.S.C. §112 rejection is respectfully requested.

Substantively, prior pending claims 1-3 & 10-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wollrath et al. (U.S. Patent No. 6,487,607 B1; hereinafter Wollrath) in view of Araujo et al. (U.S. Patent Publication No. US 2001/0047406 A1; hereinafter Araujo), and claims 5-8 & 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wollrath in view of Araujo, and further in view of Skinner et al. (U.S. Patent No. 6,721,740 B1; hereinafter Skinner). These rejections are respectfully, but most strenuously, traversed to any extent deemed applicable to the claims presented herewith, and reconsideration thereof is requested.

As noted above, independent claim 1 is amended herein, in part, to include the subject matter of prior pending claims 5, 7 & 8, while independent claim 10 is amended, in part, to include the subject matter of prior pending dependent claims 14, 16 & 17. Thus, the comments which follow are directed to the 35 U.S.C. §103(a) rejection to prior pending claims 5-8 & 14-18, based on Wollrath, Araujo and Skinner.

Numerous aspects of independent claims 1 & 10 are believed to distinguish Applicants' recited invention over the combined teachings of the applied art. For example, in Applicants' claims, the executable program code logic employs as the only input the hashtable within which the program code logic resides. As recited, Applicants' executable program code *uses as data input only the hashtable*. This aspect of Applicants' invention does not appear to be expressly addressed in the Office Action. To the extent that this aspect is addressed, column 10, lines 45-61 of Wollrath appear to be cited. A careful reading of this material fails to uncover any discussion of the data input to executable program code being transferred from a sender computer process to a receiver computer process, let alone a teaching that the hashtable within which the executable program code is transferred is the only input to the executable program code. For at least this reason, Applicants respectfully submit that the independent claims presented patentably distinguish over the applied art.

Additionally, independent claims 1 & 10 further recite adding data to the hashtable at the receiver computer process prior to invoking of the executable program code retrieved from the hashtable. In connection with this aspect, Applicants' thank the Examiner for the time afforded their undersigned representative on May 15, 2008. As a result of this discussion, Applicants understand that their recited function is being rejected based on page 23, paragraph [0203] of Wollrath, because Wollrath describes an authentication approach, and because Applicants describe in their specification that the adding of data to the hashtable prior to invoking of the executable program code retrieved from the hashtable can be employed, *in one example*, to validate the user ID. This conclusion is respectfully, but most strenuously, traversed.

Applicants' independent claims do not recite authentication, or validation *per se*. Rather, Applicants recite a particular approach for transferring executable program code from a sender computer process to a receiver computer process. Prior approaches for transferring information

between computer processes sent code that required significant understanding at the receiver on how to invoke the code. The technique presented in Applicants' independent claims 1 & 10 allows for the receiver computer process to readily receive a transported object and locate code within the object to be *invoked on the hashtable*. Applicants' recited invention allows for the receiver computer process to add or merge data into the hashtable for processing by the received, executable program code. Thus, while Applicants' process may be used to validate a user ID, it is not validation or authentication that the claim is directed to.

In addition, to the extent that the Office Action asserts an inherency rejection of the subject matter, Applicants respectfully traverse such a conclusion.

The doctrine of inherency is well-settled in patent law, and is best described in an excerpt from Hansgirk v. Kemmer, 26 C.C.P.A. 937, 102 F.2d 212, 40 U.S.P.Q. 665 (1939):

Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient. [citations omitted.] If, however, the disclosure [of the cited reference] is sufficient to show that the natural result flowing from the operation as taught would result in the performance of the questioned function, it seems to be well settled that the disclosure should be regarded as sufficient [to anticipate the claimed invention].

Id. at 940, 102 F.2d at 214, 40 U.S.P.Q. at 667; Stoller v. Ford Motor Co., 18 U.S.P.Q. 2d 1545, 1547 (Fed. Cir. 1991); Tyler Refrigeration v. Kysor Industrial Corporation, 227 U.S.P.Q. 845, 847 (Fed. Cir. 1985); Ex parte Levy, 17 U.S.P.Q. 2d 1461, 1464 (B.P.A.I. 1990); In re Oelrich and Divigard, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981).

In Ex parte Levy, the court stated that “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art.” Ex parte Levy, 17 U.S.P.Q. 2d at 1464 (lengthy citation omitted) (italics added). The Office Action fails to present any line of reasoning why Applicants' recited functionality *necessarily* flows from the teachings of Wollrath, and thus, fails to state a *prima facie* case of obviousness against the claims presented.

There is no discussion in Wollrath that the only input to code transferred from a sender computer process to a receiver computer process is the hashtable within which the code is transferred. Additionally, a careful reading of Wollrath fails to uncover any teaching or suggestion that the receiver computer process is able to add data to the hashtable prior to invoking the executable program code transferred within the hashtable. For these additional reasons, Applicants respectfully submit that the independent claims presented patentably distinguish over the applied art.

Still further, the claims presented recite *creating at the receiver computer process an empty common hashtable*. This newly-called-out aspect of Applicants' invention is depicted in FIG. 10 of the present application. This is a positive recitation of a step performed at the receiver computer process. A careful reading of Wollrath, Araujo and Skinner fails to uncover any teaching or suggestion of creating a common hashtable at the receiver computer process. To the extent relevant, the Office Action references a shared portion of memory, at column 16, lines 34-51 of Skinner, as teaching a common hashtable at the receiver computer process. This conclusion is respectfully traversed, and reconsideration thereof is requested.

As understood in the art, a hashtable is a data structure which may be stored in memory. A hashtable itself does not comprise memory, nor does memory necessarily comprise a hashtable. Thus, Applicants' recited creation of a common hashtable is a function which is distinct from the existence of a shared portion of memory in Skinner. In Applicants' processing, the receiver computer process creates for itself a common hashtable. In this common hashtable, it is only the receiver computer process which is employing the executable program code and data. Specifically, there is no sharing of the hashtable between computer processing units. In addition, a careful reading of Skinner fails to uncover any teaching or suggestion that a receiver computer process therein creates a shared portion of memory *per se* (i.e., assuming the shared portion of memory were equated to Applicants' common hashtable). Thus, Applicants respectfully submit that independent claims 1 & 10 patentably distinguish over the applied art.

Applicants' independent claims further recite integrating the first hashtable from the first sender computer process and the second hashtable from the second sender computer process into the common hashtable, and adding data to the common hashtable at the receiver computer

process. This data is recited to be relevant to the executable program code in the common hashtable integrated therein from the first hashtable or the second hashtable, and is added prior to invoking of the executable program code, using as data input only the common hashtable. In rejecting this aspect of Applicants' invention, the Office Action again cites the authentication described at page 23, paragraph [0203] of Araujo. This rejection is respectfully traversed for the reasons noted above.

Applicants are not claiming authentication or validation of user ID in independent claims 1 & 10. Rather, Applicants claim a particular process in these claims for transferring executable program code from multiple sender computer processes to a receiver computer process, and for executing that program code at the receiver computer process using as only data input thereto, the created common hashtable at the receiver computer process. The applied art, including Araujo, fails to provide any discussion of creating a common hashtable at the receiver computer process, integrating the first hashtable and the second hashtable from the first and second sender computer processes therein, adding data to the common hashtable at the receiver computer process, and then executing the executable program code within the common hashtable using as the only data input thereto the common hashtable itself. Advantageously, this processing disclosed and claimed by Applicants facilitates the transfer of executable program code from one or more sender computer processes to a receiver computer process, and facilitates the execution of that program code at the receiver computer process without the receiver computer process needing to know how to use the code contained within the hashtable (see specification paragraph [0025]).

For at least the above-noted reasons, Applicants respectfully submit that independent claims 1 & 10 presented herewith patentably distinguish over the applied and known art.

The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations.

All claims are believed to be in condition for allowance and such action is respectfully requested.

Should any issue remain unresolved, however, Applicants' undersigned representative requests a telephone interview with the Examiner to further discuss the matter in the hope of advancing prosecution of the subject application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kevin P. Radigan", is written over a horizontal line.

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